

FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, Sept. 15, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain and Hall.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

On motion of Senator Latimer, Senator Hall was excused from attendance until Monday next on account of illness.

PETITIONS AND MEMORIALS.

By Senator Pridgen: A petition of the citizens of Refugio county, praying for the passage of a bill for the division of said county. Read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Baker: A bill (Senate bill No. 440) to be entitled "An act to amend the twenty-second section of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870." Read first time and referred to Committee on Judiciary.

Also, a bill (Senate bill No. 441) to be entitled "An act to amend the twenty-third section of 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870." Read first time and referred to the Committee on Judiciary.

Senator Gaines offered the following resolution:

WHEREAS, There are no provisions made for procuring postage stamps, and the newspapers are accumulating to no purpose on the table, the Postmaster being unable to forward them; therefore,

Resolved, That the Secretary instruct the various parties who furnish the Senate with newspapers to cease to do so from the date of this resolution until the further action of this Senate, except a sufficient number for the use of this Senate, not to exceed fifty copies of the State Journal.

Resolution read.

Senator Bowers moved to refer the resolution to the Committee on Retrenchment and Reform. Lost.

Senator Gaines moved to refer the resolution to the Committee on Contingent Expenses.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Flanagan, Ford, Gaines, Hertberg, Hillebrand, Latimer, Parsons, Pyle, Ruby, Saylor, Tendick—17.

Nays—Douglas, Evans, Mills, Pettit, Pridden, Rawson, Shannon—7.

Senator Saylor introduced a bill (S. B. No. 442) to be entitled "An act declaring provisions of special laws in incorporated cities or towns in conflict with general statutes governing such subjects nugatory." Read first time and referred to the Committee on Judiciary.

President Campbell submitted the following communication from the First Assistant Postmaster General to Mr. Swante Palm, stating that Mr. Palm had requested him to bring it before the Senate:

POST OFFICE DEPARTMENT, APPOINTMENT OFFICE,
Washington, June 16, 1871.

SIR: Information has been received at this department that you mail at the usual rates for miscellaneous matter documents, newspapers, etc., sent by members of the Legislature, with their names written upon the envelopes or the documents.

The law is imperative, that any information other than that in the original print subjects such matter to letter postage, and it has always been the rulings of the department that the name of the sender written upon such matter makes it come within the terms of the law, and can not be allowed.

You should inform the members of the Legislature of the terms of the law in this respect, that they may refrain from its violation, and relieve you from any embarrassment in enforcing such law.

Your obedient servant,

J. W. MARSHALL,

First Asst. P. M. Gen'l.

Post Master, Austin, Texas.

Communication read.

Senator Bowers offered the following resolution:

WHEREAS, The Journal of this Senate of the date of May 29, 1871, shows on page 1240 that the following resolution was adopted:

"Resolved, That the Journal Clerk of the Senate be required to

finish the Journal of this Senate up to the date of the recess of this Legislature, compare and affix marginal notes, rule and index the same.

"*Resolved*, That the Comptroller of Public Accounts is hereby authorized and required to audit the account for the *per diem* pay of the Journal Clerk, upon the certificate from the Secretary of the Senate that the work has been performed as required by this resolution, which amount shall be paid as part of the contingent expenses of the present Legislature."

And whereas, the Comptroller of Public Accounts declines to recognize the above resolution; therefore, be it

Resolved, That the said above resolution is to be in full force.

On motion of Senator Mills the resolution was adopted.

Senator Cole introduced a bill (Senate bill No. 443) to be entitled "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation." Read first time and referred to the Committee on Judiciary.

11 o'CLOCK A. M.

SPECIAL ORDER.

Substitute Senate bill No. 417, "An act amendatory of the second and seventh sections of 'an act to provide the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870," and reports of Judiciary Committee thereon. Bill read second time.

By unanimous consent of the Senate, Senator Ruby made the following amendment to the resolution offered on yesterday by the minority of the Judiciary Committee: Amend by striking out the words "at as early a day as practicable," and insert in lieu thereof the words "on the third Tuesday of January, 1872." Resolution read second time as amended.

Senator Douglas moved that the minority report be adopted as amended.

Yeas and nays called for, and the minority report adopted as amended by the following vote:

Yeas—Mr. President, Baker, Bell, Broughton, Douglas, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—19.

Nays—Bowers, Cole, Dohoney, Evans, Latimer, Shannon—6.

Senator Ford moved to reconsider the vote of yesterday by which House bill No. 338, "An act to confer additional authority upon

the Waco and Northwestern Railroad Company," was indefinitely postponed." Carried.

On motion of Senator Flanagan, House bill No. 338 was laid on the table.

Senator Rawson offered the following resolution :

WHEREAS, It is highly important in the interests of the people that the occurrences of the present session of the Senate should have thorough publicity ; therefore, be it

Resolved, That the Senate proceed to the election of a phonographic reporter for this body ; said reporter to receive as consideration for his services the *per diem* pay as heretofore determined on by resolution of the Senate.

Senator Baker moved to lay the resolution on the table.

Yeas and nays called for and motion to lay on the table carried by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Doboney, Douglas, Evans, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pridgen, Pyle, Shannon, Tendick—21.

Nays—Pettit, Rawson, Ruby, Saylor—4.

Senator Flanagan moved to adjourn to 10:30 A. M. to-morrow.

Yeas and nays called for and motion carried by the following vote :

Yeas—Mr. President, Baker, Bell, Cole, Evans, Flanagan, Hillebrand, Latimer, Parsons, Pyle, Rawson, Ruby, Saylor—13.

Nays—Bowers, Broughton, Doboney, Douglas, Ford, Gaines, Hertzberg, Mills, Pettit, Pridgen, Shannon, Tendick—12.

So the Senate, at 11:30 A. M., adjourned to 10:30 A. M. to-morrow.

FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, Saturday, Sept. 16, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Bell, Broughton, Fountain and Mills.

Absent, excused—Senators Hall and Pickett.

Prayer by the Chaplain.

Senator Rawson moved that the reading of the journal of yesterday be dispensed with. Lost.

Journal of yesterday read and adopted.